IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 10585 of 2007(I)

PETITIONER:

V.THIRUVENKITOM,
SEEMATI SADAN, HOSPITAL LANE, KOTTAYAM.

BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE

RESPONDENTS:
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1. KOTTAYAM MUNICIPALITY, REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE, KOTTAYAM.

2. THE SECRETARY, KOTTAYAM MUNICIPALITY, MUNICIPAL OFFICE, KOTTAYAM.

3. THE STANDING COMMITTEE FOR FINANCE, KOTTAYAM MUNICIPALITY, MUNICIPAL OFFICE, KOTTAYAM, REPRESENTED BY ITS CHAIRMAN.

BY SIBY MATHEW, SC, KOTTAYAM MUNICIPALITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS.C.KURIAKOSE .J

W.P.(C) No.10585 of 2007

Dated this the 27th day of March 2007

JUDGMENT

Sri.Siby Mathew , standing counsel takes notice on bhealf of the Kottayam Municipality. Mr. Philip.T.Varghese counsel for the petitioner submits that even as Ext.P4 appeal and Exts P8 and P9 interlocutory applications are pending, the Municipality is going ahead with recovery proceedings pursuant to Ext.P3. Mr.Siby Mathew standing counsel submits on the basis of written instruction from the Municipality that the appeal has already been disposed of by the Municipal Council in the meeting which was held on 28-3-2007. The learned standing counsel has placed before me a copy of the decision of the Municipal Council in Ext.P4 appeal. Counsel for the petitioner submits that the disposal of the appeal by the Council was without notice to the petitioner in accordance with law and also submits that the Council did not have jurisdiction to consider the Appeal. The appeal was to be considered by the concerned Muncipal Sub-committee. Sri.Siby Mathew does not agree to the submission that council did not have jurisdiction. I do not propose to go into the merits of the matter. I dispose of the writ petition directing the Municipality to communicate to the petitioner the decision taken on Ext.P4 appeal

immediately so as to enable the petitioner to challenge the decision of the council if the petitioner is aggrieved by the same . Till such time as decision IS communicated by the Municipality to the petitioner the recovery proceedings shall be kept in abeyance .

PIUS.C.KURIAKOSE,JUDGE

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